

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

NICHOLAS DeFOSSETT,

Plaintiff,

VS.

GRANDVIEW HOLDING, LLC d/b/a  
GRANDVIEW SHOPPING CENTER TWO, LLC,

Defendant.

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CIVIL ACTION NO. SA-19-CA-0281-FB

**ORDER DISMISSING CASE AND JUDGMENT**

The Court has considered the status of the above styled and referenced cause. On September 27, 2019, this Court entered a Show Cause Order giving notice to the parties that this case would be dismissed for failure to prosecute and/or failure to comply with a court order if the parties failed to file their proposed scheduling recommendations in this case which, based upon this Court's order of July 16, 2019 (docket #10), were due on or about September 13, 2019. The parties were ordered to file their response no later than **October 7, 2019**, or this case would be dismissed.

To date, the parties have not responded to the Show Cause Order. In fact, the last activity by the parties occurred on July 15, 2019, when defendant filed its answer after obtaining two extensions of time to do so.

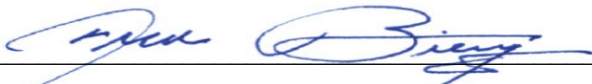
Because the parties have failed to comply with this Court's order of July 16, 2019, and the time for doing so has expired, the Court finds this case should be dismissed for failure to prosecute and/or failure to comply with a court order pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Hickman v. Fox Television Station, Inc.*, 231 F.R.D. 248, 252 (S.D. Tex. 2005) ("Rule 41(b) of the Federal Rules of Civil Procedure permits a district court to dismiss a case for want of prosecution or failure to comply with a court order. The court's authority in this regard stems from

its inherent power to control its docket and prevent undue delays in the disposition of pending cases.”).

Accordingly, IT IS HEREBY ORDERED, ADJUDGED and DECREED that plaintiff’s case is DISMISSED pursuant to FED. R. CIV. P. 41(b) for failure to comply with this Court’s order and for failure to prosecute. IT IS FURTHER ORDERED that this case is now CLOSED.

It is so ORDERED.

SIGNED this 9th day of October, 2019.



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FRED BIERY  
UNITED STATES DISTRICT JUDGE